

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.710 OF 2004
IN
SUMMARY SUIT NO. 850 OF 2004

Shreyas Intermediates Ltd. . .Plaintiffs

Vs.

Shree Rang Rasayan . .Defendants

Mr.V.P.Vaidya for the plaintiffs

Mr.KGS Tripathi for the defendants

CORAM : S.U.KAMDAR, J
DATED : 27TH SEPTEMBER, 2005

P.C.:

. The present suit is filed on goods sold and delivered. However, it is the case of the defendants that the said goods are returned and defendants produced delivery challans. The learned counsel for the plaintiffs are disputing the signature on the said delivery challans and contends that no such delivery challans should be believed in absence of Excise Gate Pass. In my opinion, triable issue arises in this case. Therefore, unconditional leave to defend is granted. Summons for Judgment is dismissed accordingly. Suit is transferred to the list of

Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.